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10/09/2001

Andrew G. Austin

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07/11/2006

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EXAMINER

GALL, LLOYD A

ART UNIT

PAPER NUMBER

3676

DATE MAILED: 07/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/974,556

Applicant(s)

AUSTIN, ANDREW G.

Examiner

Lloyd A. Gall

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 24 and 26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 and 25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____  | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

At the outset, it is noted that in response to applicant's remarks in the last sentence of page 10 of the response of January 25, 2006, the locking device with a lock head is not being positively claimed. The removable component is regarded as being positively claimed, in view of applicant's previous REMARKS of February 3, 2005.

Claims 11, 17 and 19 are objected to because of the following informalities: In claim 11, line 14, "to the second orientation a first position" is grammatically incorrect. Throughout claims 17 and 19, consistency should be maintained between "lock head" and "locking head". Appropriate correction is required.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 4-21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In claim 4, line 12, claim 11, line 13 and claim 17, line 13, "responsive to" is regarded as new matter, since the original specification does not disclose the latch as changing (or moving) to its latched position responsive to the lock head changing to its locked position. This is regarded as new matter.

In view of the above rejections under 35 USC 112, first paragraph, claims 4-21 are rejected as best understood, on prior art, as follows.

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4-6, 8 and 9 (as best understood) are rejected under 35 U.S.C. 103(a) as being unpatentable over Seto et al in view of Lee et al.

As seen in figs. 5-7, Seto teaches an apparatus capable of use with a removable locking device 32 and lock head 36 movable between first and second orientations. The apparatus includes a housing having an access slot closed by an access door 27, the housing including removable components 22 accessible when the door 27 is opened. A slot 31 receives the lock head 36, which lock head cooperates with a latch assembly 40, 41, 42, the latch including a handle received in an opening 46. The latch includes a stop element defined by the periphery of holes 48, 49 to engage the removable lock 32, and a handle 45 extends through what may be regarded as the guide element 46 (claim 8) and the aperture (of claim 9). As seen in figs. 11-13, Lee teaches a movable access cover 20 maintained in a closed position and engaged by a latch 24, and the latch controlled by a removable locking device 40. It would have been obvious to modify the apparatus of Seto such that the latch portion 42 is engageable with the access door 27 in its closed position, in view of the teaching of Lee, the motivation being to restrict access to and tampering with the components 22 of Seto.

Claim 7 (as best understood) is rejected under 35 U.S.C. 103(a) as being unpatentable over Seto et al in view of Lee et al as applied to claim 4 above, and further in view of Hotsumi.

Hotsumi teaches a spring 70 to bias a latch 68 into its door engaging position. It would have been obvious to utilize a spring with the latch of Seto, in view of the teaching of Hotsumi, the motivation being that the latch would automatically extend into its door engaging position as is conventional with latch bolts, to simplify locking of the door.

Claim 10 (as best understood) is rejected under 35 U.S.C. 103(a) as being unpatentable over Seto et al in view of Lee et al as applied to claim 4 above, and further in view of Dean.

As seen in figs. 9 and 10, Dean teaches a door 16 having a receptacle 94 engaged by a retaining element 76 of a latch. It would have been obvious to provide a receptacle on the door of Seto to be engaged by a retaining element of the latch portion 42, in view of the teaching of Dean, the motivation being to securely hold the door in its closed, locked condition.

Claims 1-6, 8-10, 17, 19 and 20 (as best understood) are rejected under 35 U.S.C. 103(a) as being unpatentable over Heintz et al in view of Seto et al.

As seen in fig. 1, Heintz teaches a projector apparatus 12 having a removable lamp 39 received in the housing 12, wherein the access opening to the lamp is closed by an access door 30. A handle 32 extends through an aperture (or guide element) to allow a slidable latch 50 having a retaining element 26 to engage a corresponding receptacle portion 22 of the housing to latch the door 30 in its closed condition. The latch also

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includes a stop element 52 which cooperates with a slot 62 as seen in fig. 4, which slot is capable of receiving a removable locking device and lock head. It is also noted that the locking device is not regarded as being positively claimed, as set forth above. Seto teaches that a latch 40 may be mounted on a housing. It would have been obvious to mount the handle 32 and latch of Heintz on the housing instead of the door 30, in view of the teaching of Seto, as an obvious reversal of parts.

Claim 7 (as best understood) is rejected under 35 U.S.C. 103(a) as being unpatentable over Heintz et al in view of Seto as applied to claim 4 above, and further in view of Hotsumi.

Hotsumi has been discussed above. It would have been obvious to provide a spring with the latch of Heintz et al, in view of the teaching of Hotsumi, the motivation being to prevent jarring of the latch away from its receptacle.

Claim 18 (as best understood) is rejected under 35 U.S.C. 103(a) as being unpatentable over Heintz et al in view of Seto et al as applied to claim 17 above, and further in view of Lee et al.

As set forth above, Lee teaches a door (at numeral 20 in fig. 13) slidable along one side portion (top side) of a housing, and key-locked by a slot in another side portion of the housing. It would have been obvious to substitute a slot in an adjacent side wall of the housing of Heintz to engage the latch which slides along an adjacent side, in view of the teaching of Lee et al, since either locking side would function just as well.

Claims 11; 12, 14-16 and 21 (as best understood) are rejected under 35 U.S.C. 103(a) as being unpatentable over Heintz et al in view of Seto et al and Lee et al.

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All of the above references have been discussed above. It would have been obvious to mount the handle 32 and latch of Heintz on the housing instead of on the door 30, in view of the teaching of Seto, as an obvious reversal of parts. It would have been obvious to mount the handle 32 of Heintz in an aperture along an adjacent side of the housing from the side which is closed by the door 30, in view of the teaching of Lee et al, since either side would function just as well.

Claim 13 (as best understood) is rejected under 35 U.S.C. 103(a) as being unpatentable over Heintz et al in view of Seto et al and Lee et al as applied to claim 13 above, and further in view of Hotsumi.

Hotsumi has been discussed above. It would have been obvious to provide a spring with the latch of Heintz, in view of the teaching of Hotsumi, to prevent the latch from being inadvertently jarred into its unlatched condition.

Claims 22, 23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heintz et al in view of Seto et al and Kyhl et al.

Heintz and Seto have been discussed above. Kyhl teaches that a projector is well known to also include a lens 25 with the lamp 150a. It would have been obvious to mount the handle 32 of Heintz in an aperture along the housing and to include the slot 62 in the housing, instead of the door 30, in view of the teaching of Seto, as an obvious reversal of parts. It would have been obvious to provide a lens with the projector lamp of Heintz, in view of the teaching of Kyhl et al, since a lens is well known to be used with a lamp of a projector.

Applicant's arguments filed January 25, 2006 have been fully considered but they are not persuasive. In response to applicant's remarks on page 11 that the cited references do not provide any guidance as to how latch 42 of Seto can be used to maintain the door 27 in a closed position, it is submitted that the door 27 of Seto may include a tab, similar to the unlabeled tabs at the top two corners of the door as seen in fig. 5, to cooperate with the latch 42 to maintain the door in a closed position. This is one example as to how the latch 42 could maintain the door in its closed condition. In response to the remarks in the second full paragraph of page 12, which are repeated throughout the remarks, it is submitted that the latch of the instant application does not respond, or move, or caused to be moved by the changing of the condition of the lock, as is argued and now claimed in independent claims 4, 11, 17. See the above rejection under 35 USC 112, first paragraph. In comparing figures 13 and 14 of the instant application, it is submitted that the spring 270 already biases the latch to its latching condition. The moving of the lock to its locked condition does not move the latch, and the latch is not responsive to the locking condition of the lock, to engage the access door. Rather, the lock prevents the latch from moving to its unlatched condition. It is submitted that the use of "responsive" in claim 1, line 11 is accurate, since the latch maintains the door in its closed condition, but is not changed or moved by the lock head locking condition.

In response to the remarks on page 15, the first full paragraph with respect to claim 22, it is submitted that the movement of the door of Heintz towards its open condition allows the lamp to still be within the housing before the door is completely



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removed from the housing. Further, it is submitted that no particular type of "access" is being claimed.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

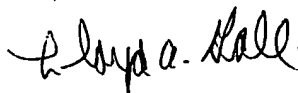
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 571-272-7056. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LG LG  
July 07, 2006

  
Lloyd A. Gall  
Primary Examiner